

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)
) 8:21CR193
Plaintiff,)
)
vs.)
)
JAMAL D. HOLDMAN,)
) November 29, 2022
Defendant.)

TRANSCRIPT OF VIDEOCONFERENCE PROCEEDINGS
BEFORE THE HONORABLE MICHAEL D. NELSON
UNITED STATES MAGISTRATE JUDGE

A-P-P-E-A-R-A-N-C-E-S

FOR THE PLAINTIFF: Mr. Christopher L. Ferretti
U.S. Attorney's Office
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FOR THE DEFENDANT: Mr. Michael J. Hansen
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Proceedings recorded by electronic sound recording, transcript
produced with computer.

1 (At 10:51 a.m. on November 29, 2022, with counsel for the
2 parties and the defendant present via videoconference, the
3 following proceedings were had:)

4 THE COURT: Good morning. We are on the record in
5 the matter of United States of America versus Jamal D. Holdman.
6 The case number is 8:21CR193.

7 Counsel for the government, please enter your appearance.

8 MR. FERRETTI: Good morning, Your Honor. Christopher
9 Ferretti appearing on behalf of the United States.

10 THE COURT: On behalf of the defendant.

11 MR. HANSEN: Michael Hansen for Mr. Holdman, Your
12 Honor.

13 THE COURT: We are proceeding by videoconference
14 today pursuant to the Federal Rules of Criminal Procedure, the
15 Coronavirus Aid, Relief, and Economic Security Act, our general
16 order at 2020-07 and subsequent general orders extending the
17 time frame, and the order entered in this case at filing
18 number 63.

19 Mr. Hansen, you have consulted with the defendant with
20 regard to proceeding by videoconference today?

21 MR. HANSEN: Yes, Your Honor.

22 THE COURT: And Mr. Holdman, do you consent to
23 proceed by videoconference?

24 THE DEFENDANT: Yes.

25 THE COURT: I --

1 THE DEFENDANT: [Unintelligible]

2 THE COURT: -- find that the defendant's consent is
3 both knowingly and voluntarily made.

4 Sir, you have submitted a petition requesting leave to
5 withdraw your previous not guilty plea and to enter a guilty
6 plea to the charges set forth in Counts 1 and 7 of the
7 indictment. Before we proceed, I must determine whether you
8 consent to proceed before me as a magistrate judge. You do
9 have a right to a change of plea hearing before a district
10 judge. Do you understand that right?

11 THE DEFENDANT: Yes, Your Honor.

12 THE COURT: Again, in the alternative you may consent
13 to proceed before me as a magistrate judge. If you do consent,
14 at the end of the hearing, I will enter written findings as to
15 what occurred. I will either recommend that your guilty plea
16 be accepted or not accepted. Do you understand?

17 THE DEFENDANT: Yes, Your Honor.

18 THE COURT: Do you consent to proceed before me as
19 magistrate judge?

20 THE DEFENDANT: Yes, Your Honor.

21 THE COURT: And is it true that you wish to enter a
22 guilty plea today?

23 THE DEFENDANT: Yes, Your Honor.

24 THE COURT: I will be asking you some questions about
25 your change of plea and the facts related to these charges.

1 Before I can do that, I'm going to need to place you under
2 oath. Would you please stand up and raise your right hand.

3 (Defendant sworn.)

4 THE COURT: You may be seated.

5 Sir, do you understand that you're now under oath at this
6 hearing?

7 THE DEFENDANT: Yes, Your Honor.

8 THE COURT: Do you understand that your answers must
9 be truthful?

10 THE DEFENDANT: Yes, Your Honor.

11 THE COURT: Do you understand that these answers
12 could be used against you if you're later charged with perjury
13 or making a false statement?

14 THE DEFENDANT: Yes, Your Honor.

15 THE COURT: There are two purposes for this hearing.

16 First, we must be sure that you understand the
17 consequences of a guilty plea, that is, what may happen to you
18 as a result of your pleading guilty to these charges.

19 Second, your guilty plea m- -- plea -- second, your guilty
20 plea must be done freely, voluntarily, and without any threat
21 or force. Do you understand?

22 THE DEFENDANT: Yes, Your Honor.

23 THE COURT: If you do not understand any questions or
24 words spoken today, please ask me or your attorney to explain
25 them. You may consult with your attorney at any time during

1 this hearing. If necessary we will recess the hearing to give
2 you enough time to speak privately with him. Do you
3 understand?

4 THE DEFENDANT: Yes, Your Honor.

5 THE COURT: What is your full name?

6 THE DEFENDANT: Jamal D. Holdman.

7 THE COURT: Are you, in fact, the defendant named in
8 the indictment?

9 THE DEFENDANT: Yes, Your Honor.

10 THE COURT: How old are you?

11 THE DEFENDANT: Twenty-six.

12 THE COURT: Where were you born?

13 THE DEFENDANT: Inglewood, California.

14 THE COURT: Where in California?

15 THE DEFENDANT: Inglewood, California.

16 THE COURT: Inglewood, California. What's the
17 highest --

18 THE DEFENDANT: [Unintelligible]

19 [Overlapping speakers]

20 THE COURT: -- level of education that you've
21 completed?

22 THE DEFENDANT: High school.

23 THE COURT: Have you ever been treated for mental
24 illness?

25 THE DEFENDANT: No, Your Honor.

1 THE COURT: Have you ever been treated for addiction
2 to alcohol or drugs?

3 THE DEFENDANT: No, Your Honor.

4 THE COURT: Have you consumed or are you under the
5 influence of any alcohol or drugs today?

6 THE DEFENDANT: No, Your Honor.

7 THE COURT: Are you taking any medications?

8 THE DEFENDANT: No, Your Honor.

9 THE COURT: Are there any medications that you're
10 supposed to be taking but you're not taking?

11 THE DEFENDANT: No, Your Honor.

12 THE COURT: Is there anything that I've not mentioned
13 that may be affecting your ability to think clearly or to make
14 sound decisions today?

15 THE DEFENDANT: No, Your Honor.

16 THE COURT: The Court has observed the -- the
17 demeanor and conduct of the defendant and now finds that he is
18 competent to proceed with this hearing.

19 Sir, you have previously received a copy of the indictment
20 in this case; correct?

21 THE DEFENDANT: Yes, Your Honor.

22 THE COURT: Have you read it, and do you understand
23 the charges against you?

24 THE DEFENDANT: Yes, Your Honor.

25 THE COURT: Have you discussed with Mr. Hansen the

1 nature of the crimes charged against you in the indictment?

2 THE DEFENDANT: Yes, Your Honor.

3 THE COURT: In your Petition to Enter a Plea of
4 Guilty, you're asking to plead guilty to the charges set forth
5 in Counts 1 and 7 of the indictment.

6 Count 1 charges a violation of Title 21, United States
7 Code, Section 846. The charge in Count 7 charges a violation
8 of Title 18, United States Code, Section 924(c)(1)(A). You
9 further admit paragraphs 4(a) through (e) and 4(g) of the
10 forfeiture allegation, and you agree that the specific property
11 described in those paragraphs is subject to criminal
12 forfeiture. Is that what you intend to do, sir?

13 THE DEFENDANT: Yes, Your Honor.

14 THE COURT: If there --

15 THE DEFENDANT: I do have a question.

16 THE COURT: Yes.

17 THE DEFENDANT: Wasn't -- wasn't I signing for Counts
18 1 through 6 and 7?

19 THE COURT: You're pleading under -- under the plea
20 agreement and the -- and the petition, you're agreeing to plead
21 guilty to the Counts 1 and 7. Counts 2 through 6 the parties
22 have agreed will be dismissed at sentencing.

23 THE DEFENDANT: Okay, okay.

24 THE COURT: Does that answer your question?

25 THE DEFENDANT: Yes, Your Honor.

1 THE COURT: If there was a trial on this matter, the
2 government would be required to prove to a jury each element of
3 each of the charges beyond a reasonable doubt. The elements
4 for Count 1 are:

5 First, that two or more persons reached an agreement or
6 came to an understanding to distribute or possess with intent
7 to distribute the controlled substance identified in the
8 indictment.

9 Second, that you voluntarily and intentionally joined in
10 the agreement or understanding either at the time it was first
11 reached or at some later time while it was still in effect.

12 And third, that at the time that you joined the agreement
13 or understanding, you knew the purpose of the agreement or
14 understanding.

15 With regard to Count 7:

16 First, that you committed the elements of a drug
17 trafficking -- of a drug trafficking crime prosecutable in
18 federal court, and it's alleged in the indictment that that
19 relates back to the conspiracy in Count 1.

20 Second, that you knowingly possessed a firearm.

21 And third, that the possession of the firearm was in
22 furtherance of a drug trafficking crime.

23 For purposes of both crimes, it's alleged by the
24 government for purposes of venue that the offenses occurred in
25 the District of Nebraska.

1 Mr. Ferretti, did I properly set forth the elements of
2 Count 1 and 7?

3 MR. FERRETTI: Yes, Your Honor.

4 THE COURT: Mr. Hansen, do you agree?

5 MR. HANSEN: Yes, Your Honor.

6 THE COURT: Sir, do you have any questions about the
7 nature of the charges filed against you or what the government
8 would have to prove in order to convict you of these two
9 charges?

10 THE DEFENDANT: No, Your Honor.

11 THE COURT: Have you discussed the facts of this case
12 and the evidence the government has against you with
13 Mr. Hansen?

14 THE DEFENDANT: Yes, Your Honor.

15 THE COURT: Have you discussed any and all defenses
16 that you think you may have to this -- these charges with
17 Mr. Hansen?

18 THE DEFENDANT: Yes, Your Honor.

19 THE COURT: And are you fully satisfied with the
20 representation that Mr. Hansen has provided to you and the
21 advice that he's given to you in this case?

22 THE DEFENDANT: Yes, Your Honor.

23 THE COURT: The law under which you are charged does
24 provide certain penalties that can be imposed upon conviction.
25 These penalties are as follows:

1 With regard to Count 1, the drug count, you can receive a
2 maximum term of imprisonment of 20 years, a fine of -- of not
3 more than \$1 million or both such imprisonment and a fine, a
4 supervised release term of not less than five -- a supervised
5 release term of not less than five years and up to life in --
6 in addition to any term of imprisonment, a special assessment
7 of \$100.

8 With regard to Count 7 --

9 MR. HANSEN: Judge, may I interrupt?

10 THE COURT: Yes.

11 MR. HANSEN: On Count 1, since it's a zero to 20, the
12 minimum term of supervised release in 21-841 is three years, as
13 reflected in the petition and the plea agreement.

14 THE COURT: Okay. So do you agree with that,
15 Mr. Ferretti?

16 MR. FERRETTI: Yes, sir.

17 THE COURT: So the supervised release term is not
18 less than three years and up to life in addition to any term of
19 imprisonment.

20 Thank you, Mr. Hansen.

21 With regard to Count 7, there is an imprisonment of a
22 maximum of life and a mandatory minimum of five years, and that
23 five years has to run consecutive to the sentence imposed with
24 regard to Count 1, in other words, it has to be five years in
25 addition to the sentence imposed in Count 1; a fine of not more

1 than \$250,000 or both such imprisonment and a fine; and a
2 supervised release term of up to five years in addition to any
3 term of imprisonment. There's also a special assessment of
4 \$100 with regard to Count 7, so when you take the two counts
5 together, it's a total of \$200.

6 Conviction for both counts may render you ineligible for
7 certain federal benefits, and in cases where restitution or
8 forfeiture of property may be authorized or agreed upon, the
9 Court may issue payment of restitution or an order of
10 forfeiture.

11 Mr. Ferretti, have I properly set forth the statutory
12 penalties?

13 MR. FERRETTI: Yes, Your Honor.

14 THE COURT: Mr. Hansen, do you agree?

15 MR. HANSEN: Yes, Your Honor.

16 THE COURT: Mr. Holdman, do you have any questions
17 about the statutory penalties that you're now facing?

18 THE DEFENDANT: No, Your Honor.

19 THE COURT: The United States Sentencing Commission
20 has issued guidelines that determine recommended sentencing
21 ranges for convicted federal offenders. Have you spoken to
22 your attorney about the sentencing guidelines and how they
23 might apply to your case?

24 THE DEFENDANT: Yes, Your Honor.

25 THE COURT: These guidelines are not mandatory, but

1 they are advisory. In other words, they must be considered,
2 but they do not have to be followed, and you may be sentenced
3 outside of that advisory guideline range. Do you understand?

4 THE DEFENDANT: Yes, Your Honor.

5 THE COURT: Do you understand that the advisory
6 guideline sentencing range will not be determined until after a
7 presentence investigation report has been completed and fully
8 considered by the Court?

9 THE DEFENDANT: Yes, Your Honor.

10 THE COURT: Some state penal systems do allow parole,
11 which means release from prison before a person has served all
12 of the sentence imposed. However, you are in a court of the
13 United States, a federal court, and in the federal system
14 parole has been abolished. Do you understand that concerning
15 any sentence to imprisonment under federal law, parole does not
16 exist and, therefore, if you are sentenced to imprisonment, you
17 will not be released on parole?

18 THE DEFENDANT: Yes, Your Honor.

19 THE COURT: In addition to any sentence of
20 imprisonment, the Court must include a term of supervised
21 release to be completed after you serve any sentence of
22 imprisonment. During this term you will be supervised by a
23 probation officer and you must comply with certain conditions.
24 Do you understand generally what is meant by supervised
25 release?

1 THE DEFENDANT: Yes, Your Honor.

2 THE COURT: Do you understand that if you violate a
3 condition of supervised release, it may be revoked, and you may
4 be returned to prison and required to serve in prison all --
5 all or a part of that term without credit for any time that you
6 have been under supervision?

7 THE DEFENDANT: Yes, Your Honor.

8 THE COURT: Do you have any questions about
9 supervised release?

10 THE DEFENDANT: No, Your Honor.

11 THE COURT: If your guilty plea is accepted, you'll
12 be found guilty of a felony. This could later work to your
13 disadvantage. For example, if you're later convicted of
14 another crime, your sentence for that crime could be increased
15 simply because of your conviction in this case. Do you
16 understand?

17 THE DEFENDANT: Yes, Your Honor.

18 THE COURT: In addition, conviction of this offense
19 may deprive you of eligibility for certain federal benefits or
20 valuable civil rights, such as the right to vote, to hold
21 public office, to serve on a jury, and to possess any kind of
22 firearm. Do you understand?

23 THE DEFENDANT: Yes, Your Honor.

24 THE COURT: Sir, do you think you understand all the
25 penalties that you now face under the law?

1 THE DEFENDANT: Yes, Your Honor.

2 THE COURT: You have entered into a written Plea
3 Agreement with the government. Pursuant to the terms of that
4 written Plea Agreement, you waived your right to withdraw your
5 guilty plea under Federal Rule of Criminal Procedure 11(d).
6 Under this provision normally you can withdraw your guilty plea
7 before it is accepted for any reason or no reason at all or
8 after the -- it is accepted for a just and fair reason. Do you
9 understand that you're waiving that right?

10 THE DEFENDANT: Yes, Your Honor.

11 THE COURT: You also have an agreement pursuant to
12 Federal Rule of Criminal Procedure 11(c)(1)(C). Under this
13 provision you and the government have agreed to a specific
14 sentence to be imposed in this case. If the Court accepts that
15 Plea Agreement, you would not have a right to withdraw your
16 guilty plea. Do you understand?

17 THE DEFENDANT: Yes, Your Honor.

18 THE COURT: Under the limited exception of the
19 gover- -- of the Court not accepting your stipulated sentence,
20 you could either withdraw your guilty plea under that very
21 limited exception and proceed to trial as if you had not pled
22 guilty, or you could elect to proceed to sentencing
23 understanding that the Court would not be bound by that
24 agreement. Do you understand?

25 THE DEFENDANT: Yes, Your Honor.

1 THE COURT: Concerning your Petition to Enter a Plea
2 of Guilty, do you read, write and understand the English
3 language?

4 THE DEFENDANT: Yes, Your Honor.

5 THE COURT: Did you read the petition and voluntarily
6 sign it?

7 THE DEFENDANT: Yes, Your Honor.

8 THE COURT: Did you do so after consulting with
9 Mr. Hansen and making sure that all your answers were properly
10 recorded to the questions in the petition?

11 THE DEFENDANT: Yes, Your Honor.

12 THE COURT: Are all the answers to the questions in
13 the petition voluntarily given by you?

14 THE DEFENDANT: Yes, Your Honor.

15 THE COURT: And are all -- are all of your answers
16 truthful?

17 THE DEFENDANT: Yes, Your Honor.

18 THE COURT: Do you have any questions about anything
19 in the petition?

20 THE DEFENDANT: No, Your Honor.

21 THE COURT: Concerning the plea agreement, did you
22 read and sign the plea agreement after fully discussing it with
23 Mr. Hansen?

24 THE DEFENDANT: Yes, Your Honor.

25 THE COURT: Please listen carefully. Mr. Ferretti,

1 the government's attorney, is now going to summarize the terms
2 of the Plea Agreement.

3 Mr. Ferretti.

4 MR. FERRETTI: Thank you, Your Honor.

5 The United States and Mr. Holdman, the defendant, agree
6 that he will plead guilty to Counts 1 and 7 of the indictment
7 and agree to the relevant conduct with respect to Counts 2
8 through 6. Count 1 charges a violation of Title 21, United
9 States Code, Section 846. Count 7 charges a violation of
10 Title 18, United States Code, Section 924(c)(1)(A).

11 Mr. Holdman would further admit paragraphs 4(a) through
12 (e) and 4(g) of the forfeiture allegation and agree that the
13 specific property described in those paragraphs is subject to
14 criminal forfeiture. Mr. Holdman further agrees to
15 administratively forfeit to the Drug Enforcement Administration
16 the Ruger EC95 9-millimeter handgun seized on or about
17 June 21st, 2021, as described in paragraph 4(f) of the
18 forfeiture allegation. Mr. Holdman agrees that he is the sole
19 and rightful owner of the specific property identified in
20 paragraph 4(f) of the forfeiture allegation and that to the
21 best of his knowledge no one else has any ownership or other
22 interest in that property.

23 Mr. Holdman agrees that the United States may institute
24 civil judicial or administrative forfeiture proceedings against
25 all forfeitable assets in which he has an interest and that he

1 will not contest any such forfeiture.

2 In exchange for his plea of -- pleas of guilty to Counts 1
3 and 7, the United States agrees that it will move to dismiss
4 Counts 2 through 6 as well as 8 and paragraph 4(h) of the
5 forfeiture allegation at the time of sentencing. The United
6 States agrees that Mr. Holdman will not be further federally
7 prosecuted in the District of Nebraska for additional drug
8 trafficking or firearms crimes as disclosed by the discovery
9 material that's been provided to Mr. Hansen already.

10 The parties agree to the factual basis that's set forth in
11 the written Plea Agreement starting on page 3 in Section II(B)
12 and that goes on for ten paragraphs, ending on page 6.

13 Regarding sentencing, as the Court noted already, the
14 agreement in this case is made pursuant to Federal Rule of
15 Criminal Procedure 11(c)(1)(C), and the parties agree that
16 Mr. Holdman shall receive a sentence to imprisonment not to
17 exceed 24 months as to Count 1, to be followed by a consecutive
18 60-month sentence to imprisonment as to Count 7. The parties
19 agree that this negotiated agreement resolved all issues
20 related to the case.

21 Mr. Holdman does agree to waive appeal and collateral
22 attack except in the limited circumstances set forth in
23 Section VI of the Plea Agreement.

24 And those are the -- that's all the pertinent paragraphs
25 for that purpose, Your Honor.

1 THE COURT: Mr. Hansen, are those the terms of the
2 Plea Agreement between your client and the government?

3 MR. HANSEN: Yes, Your Honor.

4 THE COURT: And does this written Plea Agreement
5 contain all the terms of the entire plea agreement between your
6 client and the government?

7 MR. HANSEN: Yes, Your Honor.

8 THE COURT: Mr. Holdman, do you agree that those are
9 the terms of the plea agreement?

10 THE DEFENDANT: Yes, Your Honor.

11 THE COURT: And do you agree that the written Plea
12 Agreement contains all terms, conditions and promises that
13 you've reached with the government in this case?

14 THE DEFENDANT: Yes, Your Honor.

15 THE COURT: In your plea agreement you do waive or
16 give up the right to appeal your conviction and any sentence
17 imposed upon you except in certain circumstances as set forth
18 in the Plea Agreement. You would otherwise have the right to
19 appeal. Do you understand that you're giving up that right?

20 THE DEFENDANT: Yes, Your Honor.

21 THE COURT: You are also waiving, giving up the right
22 to file any post-conviction proceedings, again, except in
23 certain circumstances as set forth in the Plea Agreement. Do
24 you understand that you're also giving up that right?

25 THE DEFENDANT: Yes, Your Honor.

1 THE COURT: Mr. Hansen, did you fully and accurately
2 discuss all plea offers made by the government to your client
3 with him?

4 MR. HANSEN: Yes, Your Honor.

5 THE COURT: Mr. Holdman, did you have a full
6 opportunity to consider any and all plea offers made by the
7 government to you in this case?

8 THE DEFENDANT: Yes, Your Honor.

9 THE COURT: After doing so did you voluntarily sign
10 the written Plea Agreement with the government?

11 THE DEFENDANT: Yes, Your Honor.

12 THE COURT: Did anyone make any other promises to you
13 or threaten to get you to sign the Plea Agreement other than
14 those pro- -- those agreements or provisions in the Plea
15 Agreement itself?

16 THE DEFENDANT: No, Your Honor.

17 THE COURT: And do you have any questions about your
18 plea agreement?

19 THE DEFENDANT: No, Your Honor.

20 THE COURT: You do have certain constitutional rights
21 which you give up when you plead guilty. Please listen
22 carefully, because I will be asking you whether you understand
23 that you have each of these rights and whether you voluntarily
24 give up these rights.

25 You have the right to plead not guilty to any offense

1 charged against you and to go to trial on any charge filed
2 against you in this case.

3 You have the right to a speedy and public trial.

4 You have the right to assistance of an attorney without
5 cost to you if you cannot afford an attorney.

6 You have the right to a trial and to have a jury determine
7 whether the government has proved beyond a reasonable doubt
8 each and every element of the charged offense.

9 You have the right to see and hear all witnesses and
10 cross-examine any person who is a witness against you.

11 You have the right to decline to testify at your trial so
12 that you cannot be compelled to incriminate yourself.

13 You have the right to testify in your own defense if you
14 want to testify at your trial, and you have the right to
15 subpoena or present witnesses or other evidence to assist you
16 at your trial. Deciding not to testify or to put on any
17 evidence cannot be used against you.

18 Do you understand that under the Constitution of the
19 United States, you have and can use all of these rights?

20 THE DEFENDANT: Yes, Your Honor.

21 THE COURT: Do you understand that if your guilty
22 plea is accepted, there will not be a trial on the charges
23 filed against you because when you plead guilty you give up
24 your right to a trial?

25 THE DEFENDANT: Yes, Your Honor.

1 THE COURT: If your guilty plea is accepted, you give
2 up the right to challenge the manner in which the government
3 obtained its evidence against you, for example, the manner in
4 which you were questioned or the manner in which you, your
5 home, or your property were searched. Do you understand?

6 THE DEFENDANT: Yes, Your Honor.

7 THE COURT: To get you to waive these constitutional
8 rights, has anyone connected with law enforcement or anyone
9 else threatened you, directly or indirectly, used any force
10 against you, or promised you anything other than the terms of
11 your written Plea Agreement?

12 THE DEFENDANT: No, Your Honor.

13 THE COURT: Have you discussed your constitutional
14 rights with Mr. Hansen?

15 THE DEFENDANT: Yes, Your Honor.

16 THE COURT: Do you freely and voluntarily give up all
17 these constitutional rights with respect to the charges set
18 forth in the indictment in Counts 1 and 7?

19 THE DEFENDANT: Yes, Your Honor.

20 THE COURT: There is an additional allegation in the
21 indictment that relates to property or currency taking -- taken
22 from you at or about the time of your arrest on June 21st,
23 2022. In your written Plea Agreement, you've -- you agree to
24 admit to the paragraphs 4(a) through (e) and 4(g), and you've
25 also agreed to the administrative forfeiture of the Ruger EC95

1 9-millimeter handgun as described in paragraph 4(f) of the
2 forfeiture allegation.

3 For the government to keep this property or currency, the
4 government would have to prove that this property or currency
5 either directly or indirectly had something to do with the
6 crime outlined in the indictment -- the crimes outlined in the
7 indictment or you either used the property to commit the crime
8 or property -- or that the property was purchased in whole or
9 in part from the crimes as alleged or that the currency was
10 proceeds from the crime. Do you understand these prerequisites
11 to the government being able to obtain forfeiture of any
12 property or currency as alleged?

13 THE DEFENDANT: Yes, Your Honor.

14 THE COURT: And are you willing to give up any right
15 or interest in the property or currency as set forth in
16 paragraphs 4(a) through (e), 4(f), and 4(g) of the forfeiture
17 allegation?

18 THE DEFENDANT: Yes, Your Honor.

19 THE COURT: And do you agree that the property that's
20 alleged in that forfeiture -- those forfeiture counts was used
21 one way or another with respect to the crimes or with proceeds
22 from the crime as charged in Counts 1 and 7 of the indictment?

23 THE DEFENDANT: Yes, Your Honor.

24 THE COURT: After consideration of the responses of
25 the defendant in this case to all the questions that I've

1 asked, I now find he is competent to plead. He understands the
2 nature of the charges filed against him in Counts 1 and 7 and
3 the possible penalties that may be imposed. He understands his
4 rights. He willingly, voluntarily and knowingly waives those
5 rights, and he fully understands the consequences of waiving
6 those rights, including the fact that there will be no trial on
7 this case because he is pleading guilty.

8 I therefore accept the defendant's waiver of his rights.

9 Jamal D. Holdman, knowing and understanding everything in
10 your Petition to Enter a Plea of Guilty, your written Plea
11 Agreement, and everything that we've discussed during this
12 hearing, how do you now plead to the charges set forth in
13 Counts 1 and 7 of the indictment?

14 THE DEFENDANT: I plead guilty.

15 THE COURT: To get you to plead guilty to those
16 charges, has anyone connected with law enforcement or anyone
17 else threatened you, directly or indirectly, used any force
18 against you, or promised you any -- promised you anything other
19 than what's contained in your written Plea Agreement?

20 THE DEFENDANT: No, Your Honor.

21 THE COURT: Are you freely and voluntarily pleading
22 guilty to the crimes charged in Counts 1 and 7 of the
23 indictment?

24 THE DEFENDANT: Yes, Your Honor.

25 THE COURT: And are you, in fact, guilty of those

1 offenses as charged?

2 THE DEFENDANT: Yes, Your Honor.

3 THE COURT: In your written Plea Agreement with the
4 government, you did stipulate to a factual basis. That factual
5 basis is set forth on pages 3 through 6 of the Plea Agreement
6 and paragraphs section -- and paragraphs II(B) and paragraphs
7 then 1 through 10. Sir, did you go over all of those facts in
8 the Plea Agreement and agree to them?

9 THE DEFENDANT: Yes, Your Honor.

10 THE COURT: And have you stipulated in your written
11 Plea Agreement that all of those facts are true?

12 THE DEFENDANT: Yes, Your Honor.

13 THE COURT: Do you agree that all the facts as set
14 forth in the plea agreement as I've just identified are true
15 and accurate?

16 THE DEFENDANT: Yes, Your Honor.

17 THE COURT: And do you agree that the government
18 would be able to prove all those facts at -- at trial?

19 THE DEFENDANT: Yes, Your Honor.

20 THE COURT: And is that what happened in this case?

21 THE DEFENDANT: Yes, Your Honor.

22 THE COURT: And the stipulation to these facts is
23 both knowingly and voluntarily made by you?

24 THE DEFENDANT: Yes, Your Honor.

25 THE COURT: Mr. Ferretti, is that satisfactory to the

1 government with regard to a factual basis?

2 MR. FERRETTI: It is by -- it is by me, Your Honor.
3 I'm fine with that.

4 THE COURT: And do you certify that the defendant's
5 guilty plea is freely, voluntarily, knowingly, and
6 intelligently made and that there is a factual basis for his
7 guilty plea?

8 MR. FERRETTI: Yes, Your Honor.

9 THE COURT: Do you believe there's any questions that
10 should be posed to Mr. Holdman?

11 THE DEFENDANT: No.

12 THE COURT: Mr. Hansen, does that satisfy you with
13 regard to a factual basis concerning Counts 1 and 7?

14 MR. HANSEN: Yes, Your Honor.

15 THE COURT: And do you certify that your client's
16 guilty plea is freely, voluntarily, knowingly, and
17 intelligently made and that there is a factual basis for his
18 guilty plea to Counts 1 and 7?

19 MR. HANSEN: Yes, Your Honor.

20 THE COURT: Any questions that you believe should be
21 posed to him?

22 MR. HANSEN: No, Your Honor.

23 THE COURT: The Court now finds that the defendant's
24 competent and capable of entering an informed plea to the
25 charge against him. The defendant's aware of the nature of the

1 charges set forth in Counts 1 and 7 of the indictment and the
2 consequences of his guilty plea. His guilty plea is knowing
3 and voluntary and supported by a factual basis concerning each
4 essential element of the offenses charged.

5 For the record, I went through the parties' stipulated
6 factual basis as set forth in the Plea Agreement and identified
7 by me, and the stipulated facts in this case do support a
8 factual basis concerning the defendant's guilty plea for each
9 of the counts.

10 Finally, the defendant is aware that his answers during
11 these proceedings may be used against him if there's later a
12 charge of perjury or false statement.

13 Mr. Holdman, I will recommend that your guilty plea be
14 accepted, and I will order that a presentence investigation
15 report be prepared. The presentence process may include an
16 interview so that you can provide all information useful in
17 determining your sentence. It's also helpful with regard to
18 classification, programming and supervision matters. Your
19 level of cooperation and participation is important and should
20 be discussed with Mr. Hansen.

21 Any determination concerning the plea agreement, that is,
22 whether to accept or reject the plea agreement, will be
23 deferred until after the Court has examined the presentence
24 investigation report and the case proceeds to sentencing.

25 With regard to detention or release pending sentencing in

1 this matter, I note that the defendant was released on an order
2 setting conditions of release in this case, and in addition
3 there has been a -- a release status report to the Court which
4 indicates that the defendant was released on bond initially in
5 the district -- Central District of California on or about
6 June 22nd, 2021. He also appeared here in person in this
7 district on July 16th, 2021.

8 At the conclusion of both appearances, he was allowed to
9 continue on release. He has been supervised by courtesy
10 supervision of the Central District of California since that
11 time, and it is reported that the defendant's been in
12 compliance with his -- of -- with his conditions of police --
13 excuse me, has been compliant with his conditions of release
14 and reports as directed. He's also maintained employment.

15 Is the government seeking detention pending sentencing in
16 this matter?

17 MR. FERRETTI: No.

18 THE COURT: Mr. Holdman, because you have been
19 compliant with the conditions of pretrial release and the
20 government does not seek detention in this case, I will
21 continue to allow you to be on release, but you will have to
22 continue to abide by the same conditions of release that were
23 previously imposed. Do you understand that?

24 THE DEFENDANT: Yes, Your Honor.

25 THE COURT: Do you agree to do that?

1 THE DEFENDANT: Yes, Your Honor.

2 THE COURT: And do you understand that if you violate
3 any conditions of release, your release status will change,
4 you'll be revoked, and you'd be placed in custody pending
5 sentencing in this matter? Do you understand?

6 THE DEFENDANT: Yes, Your Honor.

7 THE COURT: Any questions at all about your release
8 conditions?

9 THE DEFENDANT: No, Your Honor.

10 THE COURT: I will enter an order on sentencing --
11 sentencing schedule at the conclusion of today's hearing. The
12 sentencing hearing will be scheduled before District Judge
13 Buescher to take place on March 1st, 2023, at ten o'clock here
14 in Omaha. You will have to personally appear for that hearing
15 unless otherwise ordered.

16 Do you understand, Mr. Holdman?

17 THE DEFENDANT: Yes, Your Honor.

18 THE COURT: Defendant will remain on release as
19 previously ordered by this case.

20 Is there anything else from the government?

21 MR. FERRETTI: No. Thank you, Your Honor.

22 THE COURT: Anything else for the defendant?

23 MR. HANSEN: No, Your Honor.

24 THE COURT: Mr. Holdman, good luck.

25 We're in recess.

1 THE DEFENDANT: Thank you.

2 THE COURT: We're in recess. Parties are excused.

3 (Adjourned at 11:24 a.m.)

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9 I, Lisa G. Grimminger, certify that the foregoing is a
10 correct transcription to the best of my ability from the
11 digital recording of the proceedings held in the above-entitled
12 matter.

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14 /s/Lisa G. Grimminger December 19, 2022
15 Lisa G. Grimminger, RDR, CRR, CRC Date

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